



1631  
PATENT  
ATTORNEY DOCKET NO. 056100-5027-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

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Se-Jin LEE

)

Application No.: 08/971,338

)

Group Art Unit: 1631

Filed: November 17, 1997

)

Examiner: M. P. Allen

For: **GDF-1 PROTEIN**

)

Commissioner for Patents  
Washington, D.C. 20231

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JUL 17 2002

TECH CENTER 1600/2900

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated March 12, 2002.
2. Additional papers enclosed:

- Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

- [ ] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [X] Applicant petitions for an extension of time, the fees for which are set out in 37CFR § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[X] one month	\$ 110.00	\$ 55.00
[ ] two months	\$ 400.00	\$200.00
[ ] three months	\$ 920.00	\$460.00
[ ] four months	\$1,960.00	\$980.00

Extension of time fee due with this request: \$55.00

If an additional extension of time is required, please consider this a Petition therefor.

- [ ] An extension for \_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- [X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. **Fee Payment**

- The Commissioner is hereby authorized to charge **\$55.00** for a one-month Extension of Time to Deposit Account No. 50-0310.
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: **July 12, 2002**

By:

  
\_\_\_\_\_  
Bonnie Weiss McLeod  
Reg. No. 43,255

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AMENDMENT UNDER 37 CFR § 1.111

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#24  
Plunkett  
7/24/02

Responsive to the Office Action (Paper No. 23) mailed March 12, 2002, entry and consideration of the following remarks are respectfully requested.

REMARKS

This Reply is submitted in response to the Office Action dated March 12, 2002. Entry of the Remarks made herein and reconsideration of the claimed subject matter is respectfully requested pursuant to 37 CFR § 1.112.

At the outset, Applicants note that the face of the Office Action indicates that claims 5-10 and 22-35 are pending, whereas it appears that claims 4-10 and 22-35 are pending. Clarification is requested.

Claims 4-10 and 22-35 were rejected under 35 U.S.C. §101 as allegedly lacking a specific, substantial and credible utility or a well-established utility. In addition, a corresponding rejection has been made under the enablement provision of first paragraph of § 112, because one skilled in the art would allegedly not know how to use the claimed invention due to the alleged lack of utility. Applicants respectfully traverse these rejections.

Applicants maintain their arguments of record with regard to the utilities disputed thus far. The Examiner has dismissed the noted homology of GDF-1 proteins to the TGF-beta superfamily as failing to provide the requisite utility, because "some TGF superfamily members